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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
AUSENCIO ALVAREZ CORTEZ,
ANGEL ISMAEL RAMIREZ,
Defendants.

} Case No.: 20-CR-229 TLN
} STIPULATION AND ORDER TO
} CONTINUE STATUS CONFERENCE
}
} Date: November 30, 2023
} Time: 9:30 a.m.
} Judge: Hon. Troy L. Nunley

STIPULATION

The United States of America through its undersigned counsel, James Conolly, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Ausencio Alvarez Cortez, and Attorney Adam Pennella, Counsel for Angel Ismael Ramirez, hereby stipulate the following:

1. The Status Conference was previously set for August 24, 2023. By this stipulation, the parties now move to continue the Status Conference to November 30, 2023, at 9:30 a.m. and to exclude time between August 24, 2023, and November 30, 2023, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:

- 1 a. A continuance is requested to continue to allow the Defense to meet with the
2 Clients, continue to review discovery, conduct investigation, and discuss a
3 potential resolution.
- 4 b. Counsel for the Defendant believes the failure to grant a continuance in this
5 case would deny defense counsel reasonable time necessary for effective
6 preparation, taking into account the exercise of due diligence.
- 7 c. The Government does not object to the continuance.
- 8 d. Based on the above-stated findings, the ends of justice served by granting the
9 requested continuance outweigh the best interests of the public and the
10 defendants in a speedy trial within the original date prescribed by the Speedy
11 Trial Act.
- 12 e. For the purpose of computing time under the Speedy Trial Act, 18 United
13 States Code Section 3161(h)(7)(A) within which trial must commence, the
14 time period of August 24, 2023, and November 30, 2023, inclusive, is deemed
15 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
16 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
17 granted by the Court at defendant's request on the basis of the Court's finding
18 that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.
- 20 3. Nothing in this stipulation and order shall preclude a finding that other provisions
21 of the Speedy Trial Act dictate that additional time periods are excludable from
22 the period within which a trial must commence.

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1 **IT IS SO STIPULATED.**

2
3 DATED: August 17, 2023

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5 Phillip Talbert
6 United States Attorney

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8 _____
9 /s/ James Conolly
10 JAMES CONOLLY
11 Assistant U.S. Attorney

12 DATE: August 17, 2023

13 _____
14 /s/ Dina Santos
15 DINA SANTOS
16 Attorney for Ausencio Alvarez Cortez

17 DATE: August 17, 2023

18 _____
19 /s/ Adam Pennella
20 ADAM PENNELLA
21 Attorney for Angel Ismael Ramirez

22 **ORDER**

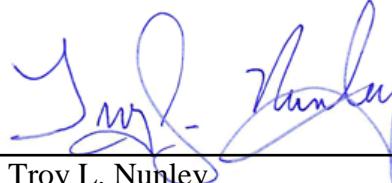
23 The Court has read and considered the Stipulation Regarding Excludable Time
24 Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby
25 finds that the Stipulation, which this Court incorporates by reference into this Order,
26 demonstrates facts that provide good cause for a finding of excludable time pursuant to
27 the Speedy Trial Act, 18 U.S.C. § 3161.

28 The Court further finds that: (i) the ends of justice served by the continuance
1 outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to
2 grant the continuance would deny defense counsel the reasonable time necessary for
3 effective preparation, taking into account the exercise of due diligence.

4 Nothing in this Order shall preclude a finding that other provisions of the Speedy
5 Trial Act dictate that additional time periods are excluded from the period within which
6 trial must commence.

7 **IT IS SO ORDERED.**

8 Dated: August 17, 2023

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11 _____
12 Troy L. Nunley
13 United States District Judge